

REMARKS/ARGUMENTS

Claim 1 has been amended to incorporate the recitations that the fibers are meltspun and monofilament. “Monofilament” is supported, among other places, at page 3, line 6. “Melt spun” is supported, among other places, at page 5, line 3. Accordingly, no new material is added and the entry of these amendments appears proper.

The applicants hereby confirm the provisional election to prosecute the invention of Group I, and withdraw the claims directed to the non-elected inventions. This election is made without traverse.

The Examiner has rejected claims 1-3 and 9 under 35 USC §102(b) as being anticipated by Balchan (US 3,605,818). Claim 9 has been canceled and so that rejection is moot. As amended, the claims now recite a monofilament melt spun elastic fiber. The Balchan reference, on the other hand, relates to biconstituent filament intended for use as reinforcing filament. Elongated fibers have been used prior to the present application, but for purposes not associated with melt spun monofilament elastic fibers. For fibers made from PET or other hard fibers, the fibers are occasionally given an elongated cross-section for optic properties and as the melt spun elastic fibers are typically covered or otherwise dominated by other fibers in fabric use, the optics are not of significant importance.

For the fibers in Balchan, it appears that the fibers are desired to have an elongated cross section to improve their strength and coverage as reinforcing ribbon. Neither optics nor reinforcing strength are applicable for melt spun monofilament elastic fibers as recited in the current claims. Elastic fibers would not provide the requisite strength for reinforcing high pressure hoses and thus a person of ordinary skill in the art would see no benefit for modifying them as taught by Balchan. Accordingly, the teachings of Balchan should not be applied to the present fibers.

Next, the Examiner has rejected claims 1-3 and 7-8 under 37 USC § 102(e) as being anticipated by Koyanagi et al. (US 2003/0108740). Koyanagi relates to bicomponent fibers from two types of polyesters. Such materials will not be elastic fibers, and hence it is not clear why a person of skill in the art of elastic fibers would even consider this reference. It is also unclear from paragraph 94 (cited by the Examiner) why one would make the fiber of Koyanagi elongated, although it is quite possible it is for the purposes or improved optics as is generally

known in the art. There is no teaching that such modification is beneficial to stable winding to prevent sloughing problem which will further result in breaks during use due to tangling, as described in the present application. Thus even if a person of skill in the art of elastic fibers did perchance look at this reference, it is not clear why they would have made such a modification of the elastic fibers. Finally, a fair reading of this reference does not even encourage increasing the shape modification degree. At line 4 of paragraph 94, Koyanagi states, “When the shape-modification degree is 5 or less, a uniform tension of the conjugate fiber is obtained”. Therefore, the clear teaching is to decrease the shape modification rather than increase it (e.g. compare the sentence from the reference above to one which would have said “when the shape modification is greater than 3, a uniform tension of the conjugate fiber is obtained”). It appears that paragraph 94, is really saying that while elongation of its fibers is tolerated (again perhaps for improved optics), it should be kept to a minimum.

The Examiner has also rejected claims 4-6 under 35 USC § 103(a) as being obvious over Balchan in light of Patel et al. (US 2005/0165193). As described above, the reasons for using elongated fibers in Balchan do not apply to the fibers of Patel, and hence there would be no reason for a person of ordinary skill in the art to combine these references. Likewise, a person of ordinary skill in the art looking to improve Balchan’s invention would not consider substituting the fibers of Balchan with the fibers of Patel, as elastic fibers would not be expected to provide the requisite strength for use as reinforcement for pressure hoses.

Accordingly, the applicants courteously request that the Examiner reconsider the claims in light of the above amendments and arguments, withdraw the rejections, and pass the case to allowance.

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